THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23433 of 2006

Dated: 13-11-2006

Between:
M. Venkatesh Goud.

..... PETITIONER

AND

The Deputy Collector & Mandal Revenue Officer,
Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23433 of 2006

ORDER:

The petitioner is in occupation of land admeasuring 200 sq. yards in survey No.119 situated at Gatchibowli over a period for more than two decades. So as to seek regularization of his occupation of the land, he made an application in August, 2006 to respondent No.1, the Mandal Revenue Officer (MRO) seeking benefit under G.O.Ms.No.674 dated 08-06-2006, which enables the competent authority to regularize encroachment by a person on payment of market value as specified in the G.O. While the same was allegedly pending, MRO issued notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity) on 03-11-2006 calling upon the petitioner to show-cause as to why he should not be evicted from the encroachment. Aggrieved by the said notice, instant writ petition is filed.

The learned counsel for the petitioner submits that when the Government has conferred the benefit of regularization on the encroachers and when the petitioner has made application to MRO, MRO ought to have referred the application to the competent authority. Secondly, she would urge that while the application is pending for regularization, issue of notice under Section 7 of the Act is unsustainable.

The learned Assistant Government Pleader for Revenue (General-T), however, opposed the writ petition. He submits that this is only a show-cause notice and therefore, writ petition would not lie.

By reason of the impugned show-cause notice dated 03-11-2006, the petitioner was asked to submit explanation. Therefore, nothing prevents the petitioner to submit explanation to MRO giving all the details of the application allegedly made by him seeking benefit conferred under G.O.Ms.No.674 dated 08-06-2006. As and when such explanation is made, MRO shall consider the same and pass appropriate orders under Section 6 of the Act. This exercise may be completed within a period of four weeks after submission of the explanation. The petitioner is given a week's time from today to submit explanation.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

13th November, 2006
Note: Issue CC tomorrow.
B/o
ghn